

April 19, 1995

INTERGOVERNMENTAL RELATIONS — H.B. 338, H.B. 1475, S.B. 386, S.B. 1388, H.B. 750, H.B. 1529, S.B. 1550, S.B. 1643, H.B. 1304, S.B. 118, H.B. 751, C.S.S.B. 595, C.S.S.B. 970, C.S.S.B. 317

FIFTY-FOURTH DAY
(Thursday, April 20, 1995)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by Senator Armbrister.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Jayson Knox, Pastor, Mission Hills Church, Austin, offered the invocation as follows:

May we pause for a moment of silent prayers to be offered on behalf of those involved in the tragedy of the Oklahoma City explosion.

Our Father, we are sobered by the loss of life and angered by the cruel evil of yesterday's bombing in our neighboring state. Extend Your peace to us.

With renewed vigor we offer ourselves in Your service, for only You have the answers we need.

Now, Father, bless the people of Texas today by giving Your help here in this Senate Chamber. Provide these men and women with wisdom to discern the times and to know what to do. Give them courage to stand alone, if need be, for what is good and true. Grant them humility as they labor together here. Help them labor with all integrity when out of public view. Grace them with the ability to recognize and agree with what is right, no matter who forwards it. Bless this Senate today, April 20, 1995, for when rulers rule in righteousness, the people are blessed. I pray this in the name of Jesus Christ the Lord. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE JOINT RESOLUTION 34

On motion of Senator Nelson and by unanimous consent, Senator Wentworth will be shown as Co-author of S.J.R. 34.

CO-AUTHOR OF SENATE BILL 182

On motion of Senator Rosson and by unanimous consent, Senator Cain will be shown as Co-author of S.B. 182.

CO-AUTHOR OF SENATE BILL 1121

On motion of Senator Moncrief and by unanimous consent, Senator West will be shown as Co-author of S.B. 1121.

CO-AUTHOR OF SENATE BILL 1122

On motion of Senator Moncrief and by unanimous consent, Senator West will be shown as Co-author of S.B. 1122.

CO-AUTHOR OF SENATE BILL 1171

On motion of Senator Lucio and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 1171.

CO-AUTHOR OF SENATE BILL 1298

On motion of Senator Cain and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1298.

CO-AUTHOR OF SENATE BILL 1338

On motion of Senator Moncrief and by unanimous consent, Senator West will be shown as Co-author of S.B. 1338.

CO-AUTHOR OF SENATE BILL 1633

On motion of Senator Truan and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 1633.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1659	S.B. 1664
S.B. 1660	S.B. 1665
S.B. 1661	S.B. 1666
S.B. 1662	S.B. 1667
S.B. 1663	

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 124 by Zaffirini Health and Human Services
Directing the Texas Higher Education Coordinating Board to study the feasibility of establishing regional areas of principal responsibility for health professions education.

S.B. 1659 by Armbrister Finance
Relating to the fees required of certain persons who practice public accountancy.

S.B. 1660 by Ratliff Natural Resources
Relating to agreed orders of the Texas Natural Resource Conservation Commission.

S.B. 1661 by Ratliff Health and Human Services
Relating to the issuance of a license or certification to practice as a psychologist.

S.B. 1662 by Cain State Affairs
Relating to the restricted sale of wine for off-premises consumption by the holder of a winery permit in certain dry areas.

S.B. 1663 by Rosson Intergovernmental Relations
Relating to the creation, administration, powers, duties, operation, and financing of the Paseo del Este Municipal Utility District, and the extraterritorial jurisdiction of certain municipalities.

S.B. 1664 by Gallegos State Affairs
Relating to alternative methods of taking a driver's license examination.

S.B. 1665 by Sibley Economic Development
Relating to small employer health benefit plans.

S.B. 1666 by Sibley Natural Resources
Relating to the creation of a game sanctuary along the Brazos River in Palo Pinto and Parker counties; providing a penalty.

S.B. 1667 by Sibley Economic Development
Relating to the liquidation of insolvent insurers, the statutory capacity of the Commissioner of Insurance as receiver, and the insurance guaranty associations.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

H.C.R. 67 to Committee on Administration.

H.B. 176 to Committee on State Affairs.

H.B. 1775 to Committee on Finance.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas
April 20, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

On April 18, 1995, I submitted the name of Helen J. Dichoso of Sugar Land for appointment to the State Board of Nurse Examiners for a term to expire January 31, 2001.

I hereby withdraw Mrs. Dichoso's nomination for this board and request that the Senate return this appointment to me.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS NATIONAL RESEARCH
LABORATORY COMMISSION for terms to expire February 1, 2001:

G. W. "BILL" CEVERHA
4306 Bobbitt Drive
Dallas, Texas 75229

Mr. Ceverha will be replacing Shelton Smith of Houston, whose term expired.

J. FRED BUCY
P.O. Box 780929
Dallas, Texas 75378-0929

Mr. Bucy will be replacing Charles R. Perry of Midland, whose term expired.

GEORGE S. BAYOUD, JR.
3841 Normandy
Dallas, Texas 75205

Mr. Bayoud will be replacing Linda W. Hart of Dallas, who resigned.

TO BE MEMBERS OF THE TEXAS HISTORICAL COMMISSION for
terms to expire February 1, 2001:

SHIRLEY W. CALDWELL
P.O. Box 1208
Albany, Texas 76430

Mrs. Caldwell will be replacing Al Davis of Houston, whose term expired.

BRUCE T. AIKEN
365 Sagua La Grande
Brownsville, Texas 78521-1968

Mr. Aiken will be replacing Sheldon Hall of El Paso, whose term expired.

JANE COOK BARNHILL
Route 7, Box 7176
Brenham, Texas 77833

Mrs. Barnhill will be replacing Jean Kaspar of Shiner, whose term expired.

T. R. FEHRENBACH
131 Mary D. Avenue
San Antonio, Texas 78209

Mr. Fehrenbach is being reappointed.

F. LEE LAWRENCE
529 Park Heights Circle
Tyler, Texas 75701

Mr. Lawrence will be replacing Dr. Brian Babin of Woodville, whose term expired.

SUSAN MEAD
4131 Cochran
Dallas, Texas 75209

Ms. Mead will be replacing Karl A. Komatsu of Fort Worth, whose term expired.

TO BE A MEMBER OF THE TEXAS HISTORICAL COMMISSION for a term to expire February 1, 1997:

CARL R. McQUEARY
P.O. Box 626
Salado, Texas 76571

Mr. McQueary will be filling the unexpired term of Dr. Clotilde P. Garcia of Corpus Christi, who resigned.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

(Senator Barrientos in Chair)

BIENNIAL SENATE REUNION

The Presiding Officer introduced the following former Members of the Senate who are here in celebration of the biennial Senate reunion:

Ben F. Barnes

Lieutenant Governor: 1969 - 1973 (61st and 62nd Legislatures)

Roy M. Blake

Senate District Number: 3

Senate: February 28, 1978 - 1989 (65th through 70th Legislatures)

Chet E. Brooks

Senate District Numbers: 7 (1967 - 1973) and 11 (1973 - 1993)

Senate: 1967 - 1993 (60th through 72nd Legislatures)

Kent A. Caperton

Senate District Number: 5

Senate: 1981 - 1991 (67th through 71st Legislatures)

James L. "Bill" Haley

Senate District Number: 3

Senate: 1989 - 1994 (71st through 73rd Legislatures)

Kent R. Hance

Senate District Number: 28

Senate: 1975 - 1979 (64th and 65th Legislatures)

Jack E. Hightower

Senate District Numbers: 23 (1965 - 1967) and 30 (1967 - 1975)

Senate: 1965 - 1975 (59th through 63rd Legislatures)

V. Edgar Howard

Senate District Number: 1

Senate: 1979 - September 18, 1986 (66th through 69th Legislatures)

Eddie Bernice Johnson

Senate District Number: 23

Senate: 1987 - 1993 (70th through 72nd Legislatures)

J. Grant Jones

Senate District Number: 24

Senate: 1973 - 1989 (63rd through 70th Legislatures)

Don C. Kennard

Senate District Number: 10

Senate: 1963 - 1973 (58th through 62nd Legislatures)

Cynthia T. Krier

Senate District Number: 26

Senate: 1985 - 1993 (69th through 72nd Legislatures)

C. Peyton McKnight, Jr.

Senate District Number: 2

Senate: 1973 - 1983 (63rd through 67th Legislatures)

Jack C. Ogg

Senate District Number: 15

Senate: 1973 - 1983 (63rd through 67th Legislatures)

Frank Owen III

Senate District Number: 29

Senate: November 2, 1954 - 1965 (53rd through 59th Legislatures)

William N. Patman

Senate District Number: 18

Senate: 1961 - 1981 (57th through 66th Legislatures)

Walter H. Richter

Senate District Number: 19

Senate: 1963 - February 14, 1966 (58th and 59th Legislatures)

William C. Sarpalius

Senate District Number: 31

Senate: 1981 - 1989 (67th through 70th Legislatures)

Aaron R. "Babe" Schwartz

Senate District Number: 17

Senate: January 9, 1960 - 1981 (56th through 66th Legislatures)

Dan Shelley

Senate District Number: 6

Senate: 1993 - 1995 (73rd Legislature)

Wallace E. "Pete" Snelson

Senate District Numbers: 29 (1965 - 1967) and 25 (1969 - 1983)

Senate: 1965 - 1967 (59th Legislature)

Senate: 1969 - 1983 (61st through 67th Legislatures)

Jack B. Strong

Senate District Number: 2

Senate: 1963 - 1971 (58th through 61st Legislatures)

James P. Word

Senate District Number: 12

Senate: 1963 - 1973 (58th through 62nd Legislatures)

The Senate extended a warm welcome to its distinguished guests.

AT EASE

The Presiding Officer at 9:24 a.m. announced the Senate would stand At Ease, pending the departure of its guests.

IN LEGISLATIVE SESSION

Senator Truan at 9:29 a.m. called the Senate to order as In Legislative Session.

SENATE RESOLUTION 759

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize a most distinguished colleague, Senator Don B. Henderson, who has been named the recipient of the 1995 University of Houston Distinguished Social Sciences Alumnus Award; and

WHEREAS, Don Henderson was born on August 25, 1949, in Houston; after attending Spring Woods High School and Tulane University, he graduated from the University of Houston with a bachelor's degree in political science; and

WHEREAS, A graduate of South Texas College of Law, he was admitted to the State Bar of Texas in 1978; and

WHEREAS, Noted for his interest in politics, Don Henderson was elected to the Texas House of Representatives in 1973 and served five terms; and

WHEREAS, While he was in the Texas House of Representatives, he served as Chairman of the House Transportation Committee and was a member of the House State Affairs Committee, Reapportionment Committee, Judiciary Committee, and the Business and Industry Committee; and

WHEREAS, He also served as a delegate to the Texas Constitutional Convention in 1974 and was a member of the Legislative Committee; and

WHEREAS, Highly respected for his involvement in civic and political activities, Senator Henderson serves on the Advisory Board of Habitat for Humanity of North Harris County, the Advisory Board of the Coalition for Victims' Rights, the Advisory Board of The Roseate, Incorporated, and belongs to the chambers of commerce of the Cy-Fair Area, Houston Northwest, Houston West, Humble Area, Greater Katy, and Tomball Area; and

WHEREAS, Notable for his diligence, Senator Henderson is a member of the State Bar of Texas, the Houston Bar Association, and the American Legislative Exchange Council; in addition, he is on the Board of Directors of TransAmerican Natural Gas Corporation; and

WHEREAS, He has achieved so much in such a relatively little span of time that he is listed in more than 11 different "Who's Who" books; surely such a hardworking and dedicated legislator merits honor and recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby congratulate Senator Don B. Henderson on receiving his prestigious and well-deserved award; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of the highest esteem of his colleagues in the Texas Senate.

The resolution was read.

On motion of Senator Leedom and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

GUEST PRESENTED

The Presiding Officer, Senator Truan in Chair, introduced to the Senate former Secretary of the Senate, Charles Schnabel, seated in the gallery.

The Senate welcomed Mr. Schnabel.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of THE FINANCE COMMISSION OF TEXAS: Kay Glover, Travis County; Alfred "Chip" Johnson, Collin County.

To be Members of the TEXAS SOUTHERN UNIVERSITY BOARD OF REGENTS: Enos M. Cabell, Jr., Fort Bend County; Anthony D. Lyons, Tarrant County; Dr. Gene A. Moore, Sr., Harris County; Preston Moore, Jr., Harris County; Oliver C. Sutton II, Bexar County; Rosie Zamora-Cope, Harris County.

To be a Member of the TEXAS WORKERS' COMPENSATION COMMISSION: O. D. Kenemore, Brazoria County.

To be Members of the TEXAS YOUTH COMMISSION: John W. Odam, Jr., Harris County; Edna Tamayo, Cameron County.

To be Members of the COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION: Chief Felipe E. Garza, Kleberg County; Horace L. O'Neal, Lubbock County; Sally Ann Werst, Tarrant County.

To be Members of the TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS: M. Judith Lusted, Bexar County; Benny O. McGehee, El Paso County; Mary Hurtado Wilson, Travis County.

To be Members of the TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS: Dr. Michael R. Arambula, Bexar County; Dollie Brathwaite, Harris County; Carol Oeller, Harris County.

To be PECOS RIVER COMPACT COMMISSIONER FOR TEXAS: Brad Lee Newton, Pecos County.

To be Members of the PETROLEUM STORAGE TANK ADVISORY COMMITTEE: Gail Kathleen Davidge, Tarrant County; Suzanne Hill, Tarrant County; Marie V. Kleck, Bexar County; Dr. Carlos M. Marin, Cameron County; Donald J. Najvar, Harris County; Jerry L. Susser, Nueces County.

To be PRESIDING JUDGE OF THE SIXTH ADMINISTRATIVE JUDICIAL REGION: Judge Stephen B. Ables, Kerr County.

To be Members of the TEXAS REHABILITATION COMMISSION: Matthew T. Doyle, Galveston County; Jerry Kane, Nueces County.

To be a Member of the COUNCIL ON SEX OFFENDER TREATMENT: David L. Cory, Taylor County.

To be Members of the UPPER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS: C. Skeete Foster, Sterling County; Carrol E. Hill, Tom Green County; Sidney J. Long, Coke County; Norman D. Lubke, Tom Green County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Bivins gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CONCLUSION OF MORNING CALL

The Presiding Officer at 9:38 a.m. announced the conclusion of morning call.

FLOOR PRIVILEGES GRANTED

On motion of Senator Ellis and by unanimous consent, floor privileges were granted to members of his staff during the deliberation of **S.B. 905**.

SENATE BILL 905 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration at this time:

S.B. 905, Relating to royalty rates applicable to certain oil and gas properties on public lands.

The motion prevailed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Moncrief, and Montford asked to be recorded as "Present-not voting" on the suspension of the regular order of business.

The bill was read second time.

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 905** by striking the number "15" at page 1, line 17, and substituting in its place the number "50."

The committee amendment was read and was adopted by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Moncrief, and Montford asked to be recorded as "Present-not voting" on the adoption of Committee Amendment No. 1.

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 905** by inserting a new Section 2 at page 3, line 14, to read as follows, and renumbering Sections 2 and 3.

SECTION 2. Subchapter D, Chapter 66, Education Code, is amended by adding a new Section 66.84 to read as follows:

Section 66.84. MARGINAL PROPERTY ROYALTY RATES. (a) In this section:

(1) "Barrel of oil equivalent" means 6000 cubic feet of natural gas per 42 gallon barrel of crude oil.

(2) "Lease" or "leases" means an oil and gas lease issued or approved by the state that is valid and in force on or after the effective date of this section

(3) "Qualifying property" means land subject to a lease issued under Subchapter D of Chapter 66.

(4) "Qualifying reservoir" means a reservoir having an average daily per well production equal to or less than fifteen barrels of oil equivalent during a period established by the board by rule, and

(A) underlying either a qualifying property, or

(B) a pooled unit including a qualifying property.

(5) "Reservoir" has the same meaning as "common reservoir" as defined in Section 86.002, Natural Resources Code.

(b) The board may by rule provide that the royalty rate for qualifying reservoirs may be reduced to not less than one-sixteenth (6.25 percent).

(c) If a qualifying reservoir for which royalty rate reduction is sought under this section is included in a unit subject to the authority of the board, the board may modify the terms and conditions of the unit as a condition of approving a reduction in the royalty rate.

The committee amendment was read and was adopted by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Moncrief, and Montford asked to be recorded as "Present-not voting" on the adoption of Committee Amendment No. 2.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 905, committee printing, in SECTION 1 of the bill, Section 32.067(a)(1), Natural Resources Code (page 1, line 52), between "oil" and the period, by inserting "or a volume of gas with a minimum heating value of 6,000,000 British thermal units (6,000 Mbtu), whichever is greater".

The amendment was read and was adopted by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Moncrief, and Montford asked to be recorded as "Present-not voting" on the adoption of Floor Amendment No. 1.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 905, committee printing, in SECTION 1 of the bill, Section 32.067(c), Natural Resources Code (page 2, line 18), by adding the following sentence at the end of Subsection (c): "In determining whether to grant a reduction in the royalty rate, the board may consider whether the qualifying property is being operated efficiently, including whether the property is pooled or has reasonable potential for the application of secondary or tertiary recovery techniques.".

The amendment was read and was adopted by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Moncrief, and Montford asked to be recorded as "Present-not voting" on the adoption of Floor Amendment No. 2.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Moncrief, and Montford asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 905 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 905** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 3.

Yeas: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Bivins, Moncrief, Montford.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0, Present-not voting 3. (Same as previous roll call)

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Mark Dawson of Austin, was introduced to the Senate by Senator Barrientos.

The Senate expressed appreciation and gratitude to Dr. Dawson for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE

House Chamber
April 20, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 2128, Relating to the regulation of telecommunications utilities, to the provision of telecommunications and related services, and to the continuation of the Public Utility Commission of Texas.

H.C.R. 161, In memory of M. A. "Catfish" Smith.

H.C.R. 163, Congratulating the Clarksville High School boys' basketball team.

H.C.R. 169, In memory of Gus Mutscher, Sr.

S.C.R. 120, In memory of Joe Manor.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1139 ON SECOND READING**

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1139, Relating to duties and responsibilities of the Motor Vehicle Board of the Texas Department of Transportation and of persons under the board's authority; providing penalties.

The bill was read second time.

Senator Cain offered the following amendment to the bill:

Floor Amendment No. 1

C.S.S.B. 1139 is amended by renumbering Section 24 of the bill as Section 23 of the bill and by renumbering all subsequent sections of the bill accordingly.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1139 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1139** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Cain submitted the following statement of legislative intent on **S.B. 1139**:

In order to clarify certain provisions of **S.B. 1139**, including changes made from the bill as originally introduced, I would note the following:

1. The substitute contains the current definition of "broker" as it appears in Section 1.03 of the Code. The original bill would have codified the agency's current interpretation of the meaning of "broker" by adding the words "solicits or refers . . ." Although the additional language would have made clear the agency's construction of the statute, it is not a required change at this time, and so I have opted to maintain the definition in its current form.

2. Both the original bill and the substitute expand the Texas Motor Vehicle Commission (Board) jurisdiction by providing that the Commission "shall enforce and administer the terms of Article 6686, Revised Statutes." (lines 9 through 12, page 8). This additional jurisdiction gives the Commission regulatory authority over non-franchised dealers as well as franchised dealers.

3. The substitute increases the fees to be paid by manufacturers and distributors, dealers, representatives, and converters. These fee increases are designed to cover the costs of additional hearing examiners and staff requested by manufacturer and dealer licensees to provide speedier resolution of disputes. In **S.B. 1446**, sponsored by Senator Brown, GDN

license fees are also increased for both franchised and non-franchised dealers to provide for a more effective, efficient administration of the laws, rules and regulations under the Board's jurisdiction.

4. Current law establishes a procedure for dealer protests to the establishment or relocation of a dealership within certain parameters and under certain conditions. **S.B. 1139** creates an exception to a dealer's right to protest with regard to the relocation of an existing dealership when the relocation site is not closer to a dealer or dealers who would normally have a right to protest. Also, it is intended that the relocation exception apply to a transaction including a sale and relocation of a dealership, as well as merely relocating a dealership without a change in ownership.

5. While it has always been understood, without question, that a dealer's operation includes all aspects of a franchise and motor vehicle business related thereto, both the original bill and the committee substitute define "dealership" for the first time in the Code. Because the definition of a dealership specifically mentions a "repair only" facility, it is important to make it clear that the relocation exception applies to the establishment of such a stand-alone "repair only" facility and falls within the relocation exception here discussed; i.e., if the "repair only" facility is not closer to a dealer who is eligible to protest than the existing dealership which establishes the facility, the right of protest is removed. However, this in no way limits a franchised dealer, with standing, from protesting a "repair only" facility proposed to be established closer to his dealership than the existing facility of the dealership proposing to establish the "repair only" facility.

6. In the original bill, certain changes were included with respect to Sec. 5.02(8) of the Texas Motor Vehicle Commission Code. In the substitute, these proposed changes have been removed and 5.02(8) is left intact as it exists in current law. The original bill would have codified the agency's current interpretation of the provisions with respect to a purchaser's right to pursue an action under the section. Although the additional language would have resulted in such codification, it is not a required change so I have opted to leave 5.02(8) in its current form.

7. The substitute would amend 5.02(15) regarding the application to relocate a franchise (dealership). The amendatory language reduces the time for denial or withholding of approval from 90 days to 60 days and shifts the burden of proof to the manufacturer or distributor. The law and the amendment require that the denial or withholding of approval be by a written notice within the prescribed time. It is intended that failure to receive the written notice within the prescribed time enables the dealer applicant to proceed with the relocation; i.e., the absence of the written denial or withholding of approval denotes approval.

8. The substitute creates a new provision, 5.02(26), establishing a procedure for a manufacturer to deny or withhold approval of a dealer applicant to add a line make at a dealership (commonly referred to as dualing) by written notice within a prescribed time. As in the case of 5.02(15), the failure to receive the written notice of denial or

withholding of approval within the prescribed time constitutes approval and the dealer is free to proceed with the addition.

9. The substitute amends the Code to specifically provide that a dealer may maintain a cause of action for a violation by a manufacturer or distributor of 5.02 of the Code, or a violation of Subsection E, Title 17, Business and Commerce Code. This provision is intended to apply only in a case where a "franchise" relationship exists between the plaintiff dealer and the defendant manufacturer and distributor.

10. Section 23 of the bill is an important non-amendatory section that establishes some of the rules applicable to the regulatory transfer enacted by the bill (i.e., the transfer of regulation of independent dealers and others into the TMVB). Specifically, it provides that in the case of a conflict between this law and Article 6686, Revised Statutes, (the law under which dealers other than franchised dealers are currently regulated) the Texas Motor Vehicle Commission Code will prevail. The reason for this is that I recognize the possibility that given the complexity of the regulatory structure created by Article 6686, something might have been overlooked in the statutory transfer. For this transfer to work, it is important that the TMVC Code provide the sole regulatory structure applicable to the transfer of regulation, and the Motor Vehicle Board be the agency with the actual responsibility to administer the transfer. That is what this amendment is intended to do.

Section 23 also directs the Board to adopt a plan for the staggering of expiration dates of general distinguishing numbers. Under current, and long-standing, law, all GDN's expire on the same date. The intent of Section 23(c) of this bill is to bring about an orderly change of that archaic system to a more efficient system under which existing licenses will initially be divided into twelve groups with one group expiring each month for the next year. When reissued, the license will be for a full year.

CAIN

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a group of students from McClennan Community College.

The Senate welcomed its guests.

SENATE BILL 1386 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1386, Relating to the assignment of certain appellate judges and justices as visiting judges.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Truan, Wentworth, West, Zaffirini.

Nays: Gallegos, Harris, Moncrief, Montford, Rosson.

Absent: Turner, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1386 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1386** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Truan, Wentworth, West, Zaffirini.

Nays: Gallegos, Harris, Moncrief, Montford, Rosson.

Absent: Turner, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 5. (Same as previous roll call)

GUESTS PRESENTED

The Presiding Officer, Senator Truan in Chair, introduced to the Senate Congressman Gene Green and former Governor of Texas, Preston Smith.

The Senate welcomed its distinguished guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives from the Live Oak Farm Bureau: Mark Riser, George West, and Thomas Elliott.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate his son, Jason, and Jason's seventh-grade classmates from St. George Episcopal School of San Antonio.

The Senate welcomed its guests.

(President in Chair)

MOTION TO PLACE

SENATE BILL 1101 ON SECOND READING

Senator Henderson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1101, Relating to injunctive proceedings by the Attorney General against persons engaged in the insurance business.

There was objection.

Senator Henderson then moved to suspend the regular order of business and take up **S.B. 1101** for consideration at this time.

The motion was lost by the following vote: Yeas 17, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Barrientos, Bivins, Brown, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner.

Nays: Armbrister, Cain, Ellis, Gallegos, Luna, Madla, Moncrief, Montford, Rosson, Truan, West, Whitmire, Zaffirini.

Absent: Wentworth.

**COMMITTEE SUBSTITUTE
SENATE BILL 384 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 384, Relating to state aid for counties that provide secure residential care facilities for certain delinquent children.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 384 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 384** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 141 ON THIRD READING**

Senator Ellis moved that the regular order of business be suspended and that **C.S.S.B. 141** be placed on its third reading and final passage.

C.S.S.B. 141, Relating to the prosecution of and punishment for an offense motivated by bias or prejudice.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Galloway, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Ratliff, Rosson, Shapiro, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris, Haywood, Henderson, Leedom, Nelson, Nixon, Sibley.

The bill was read third time and was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Harris, Haywood, Henderson, Leedom, Nelson, Nixon, and Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

GUESTS PRESENTED

Senator Moncrief was recognized and introduced to the Senate a group of students from Tarrant County Junior College.

The Senate welcomed its guests.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read:

H.B. 988

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 25 ON THIRD READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.J.R. 25, Proposing a constitutional amendment authorizing a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

The resolution was read third time and was finally passed by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Lucio, Moncrief, Montford, Nelson, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Harris, Leedom, Luna, Madla, Nixon, Rosson, Sims, Truan, Turner.

COMMITTEE SUBSTITUTE

SENATE BILL 301 ON THIRD READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 301, Relating to a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

The bill was read third time and was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Harris, Leedom, Luna, Madla, and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Armbrister in Chair)

SENATE RESOLUTION 761

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas joins with citizens across the nation in mourning the tragic loss of life in Oklahoma City on April 19, 1995; and

WHEREAS, Mere words cannot adequately convey the sorrow, despair, and outrage felt by all people of reason and decency in the aftermath of yesterday's terrible tragedy in Oklahoma City; and

WHEREAS, The unprovoked and brutal terroristic killing of innocent men, women, and children diminishes us as a civilized people and as a nation rooted in liberty and justice; and

WHEREAS, Faced with the ultimate horror of evil in its most repugnant and despicable manifestations, we must join together as a nation and reaffirm our commitment to the principles of American democracy that we cherish and hold dear; and

WHEREAS, In the bleak days to come, our hearts and prayers will reach out to offer what little comfort they can to the victims of the explosion and the bereaved families; and

WHEREAS, Their tragic loss will never be erased from our nation's consciousness, and their memory will strengthen our resolve to carry on as a law-abiding nation rooted in decency and honor; and

WHEREAS, The State of Texas has shared a strong bond of friendship with the State of Oklahoma since our earliest days and offers the grieving state whatever succor and aid it can; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby extend sincere condolences to the State of Oklahoma and to families of all those who tragically perished in Oklahoma City; and, be it further

RESOLVED, That a copy of this Resolution be prepared in the memory of all these men, women, and children, and that when the Senate adjourns this day, it do so in memory of the victims in Oklahoma City.

The resolution was read.

On motion of Senator Leedom and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

MESSAGE FROM THE HOUSE

House Chamber
April 20, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 104, Commending the Honorable Debra Danburg for her leadership in the Capitol Restoration project.

H.C.R. 2, Recognizing the first full week in June of each year as National Garden Week.

H.C.R. 30, Requesting the National Archives and Records Administration to make copies of joint resolutions of the 12th Legislature ratifying amendments XIII, XIV, and XV to the United States Constitution and send them to the Texas State Library.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 521 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 521, Relating to the civil and criminal consequences of an arrest or conviction for an offense involving the operation of a motor vehicle while intoxicated.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 521 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 521** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 308 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 308, Relating to civil actions for public nuisances involving public lewdness and indecent exposure.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 308 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1016 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1016, Relating to the powers of water control and improvement districts.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Harris, Henderson, Leedom, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Luna, Zaffirini.

Absent: Galloway, Haywood, Lucio.

SENATE BILL 1016 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1016** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Luna, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 397 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 397, Relating to service areas of junior college districts.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 397 by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. JUNIOR COLLEGE DISTRICT SERVICE AREAS

Sec. 130.161. DEFINITIONS. In this subchapter:

(1) "Services" means the courses and programs described by Sections 130.0011 and 130.003(e).

(2) "Service area" means:

(A) the territory within the boundaries of the taxing district of a junior college district; and

(B) the territory outside the boundaries of the taxing district of a junior college district in which the junior college district provides services.

Sec. 130.162. ALAMO COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Alamo Community College District includes the territory within:

(1) Bexar, Bandera, Comal, Guadalupe, Kendall, Kerr, and Wilson counties; and

(2) Atascosa County, except the territory within the Pleasanton Independent School District.

Sec. 130.163. ALVIN COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Alvin Community College District includes the territory within:

(1) the Alvin, Danbury, and Pearland independent school districts; and

(2) the part of the Angleton Independent School District annexed by the community college district before September 1, 1995.

Sec. 130.164. AMARILLO JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Amarillo Junior College District includes:

(1) the territory within Potter, Randall, Carson, Oldham, Deaf Smith, Parmer, Castro, and Swisher counties; and

(2) the territory within Moore County that is within the Dumas Independent School District.

Sec. 130.165. ANGELINA COUNTY JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Angelina County Junior College District includes the territory within:

(1) Angelina, Houston, Nacogdoches, Polk, Sabine, San Augustine, Trinity, and Tyler counties;

(2) the Wells and Alto independent school districts, located in Cherokee County;

(3) the Burkeville and Newton independent school districts, located in Newton County;

(4) the Jasper Independent School District, located in Jasper County;

(5) the Shepard and Coldspring-Oakhurst independent school districts located in San Jacinto County;

(6) the part of the Brookeland Independent School District that is located in Jasper and Newton counties;

(7) the part of the Colmesneil Independent School District that is located in Jasper County; and

(8) the part of the Trinity Independent School District that is located in Walker County.

Sec. 130.166. AUSTIN COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Austin Community College District includes the territory within:

(1) Travis, Bastrop, Hays, Gillespie, Caldwell, and Blanco counties;

(2) the Marble Falls Independent School District, located in Burnet County; and

(3) Williamson County, except the territory within the Florence, Taylor, and Granger independent school districts.

Sec. 130.167. BEE COUNTY JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Bee County Junior College District includes the territory within:

(1) Bee, Karnes, Live Oak, Jim Wells, McMullen, Duval, and Brooks counties;

(2) the Pleasanton Independent School District, located in Atascosa County; and

(3) the Kingsville, Santa Gertrudis, and Ricardo independent school districts, located in Kleberg County.

Sec. 130.168. BLINN COLLEGE DISTRICT SERVICE AREA. The service area of the Blinn College District includes the territory within:

(1) Washington, Burleson, Brazos, Madison, Grimes, Waller, Lee, and Fayette counties;

(2) the Mumford, Hearne, and Franklin independent school districts located in Robertson County;

(3) the Bellville Independent School District located in Austin County;

(4) the Rockdale, Milano, and Gause independent school districts located in Milam County;

(5) the part of the Richards Independent School District that is located in Walker and Montgomery counties; and

(6) the part of the Bryan Independent School District that is located in Robertson County.

Sec. 130.169. BORGER JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Borger Junior College District includes:

(1) the territory within the Borger Independent School District;

(2) the territory within the Spring Creek Independent School District that is also within the junior college district's taxing district;

(3) the territory within Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Hutchinson, Roberts, and Hemphill counties;

(4) the territory within Moore County, except the territory within the Dumas Independent School District; and

(5) the territory within the Pampa Independent School District located in Gray County.

Sec. 130.170. BRAZOSPORT COLLEGE DISTRICT SERVICE AREA. The service area of the Brazosport College District includes the territory within:

(1) the Brazosport, Columbia-Brazoria, Sweeny, and Damon independent school districts; and

(2) the Angleton Independent School District, except the part annexed by the Alvin Community College District before September 1, 1995.

Sec. 130.171. CENTRAL TEXAS COLLEGE DISTRICT SERVICE AREA. The service area of the Central Texas College District includes the territory within:

(1) the Killeen Independent School District, located in Bell County;

(2) the Copperas Cove Independent School District, located in Coryell County;

(3) Fort Hood and North Fort Hood, located in Bell County;

(4) Coryell, Hamilton, Lampasas, Llano, Mason, Mills, and San Saba counties;

(5) the Brady, Lohn, and Rochelle independent school districts located in McCullough County;

(6) the Burnet Consolidated Independent School District located in Burnet County;

(7) the Florence Independent School District;

(8) the part of the Lampasas Independent School District that is located in Burnet County;

(9) the part of the Lampasas Independent School District that is located in Bell County; and

(10) the part of the Copperas Cove Independent School District that is located in Bell County.

Sec. 130.172. CISCO JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Cisco Junior College District includes the territory within:

(1) the Cisco Independent School District; and

(2) Callahan, Coleman, and Taylor counties.

Sec. 130.173. CLARENDON COLLEGE DISTRICT SERVICE AREA. The service area of the Clarendon College District includes the territory within:

(1) Donley, Wheeler, Armstrong, Collingsworth, Briscoe, Hall, and Childress counties; and

(2) Gray County, except the territory within the Pampa Independent School District.

Sec. 130.174. COLLEGE OF THE MAINLAND DISTRICT SERVICE AREA. The service area of the College of the Mainland District includes the territory within:

(1) the Santa Fe, Hitchcock, Texas City, La Marque, Dickinson, and Friendswood independent school districts; and

(2) the part of the Clear Creek Independent School District that is located in Galveston County.

Sec. 130.175. COLLIN COUNTY COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Collin County Community College District includes the territory within:

(1) Collin and Rockwall counties; and

(2) the part of Denton County that is within the municipality of The Colony, the municipality of Frisco, and the Celina and Prosper independent school districts.

Sec. 130.176. DALLAS COUNTY COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Dallas County Community College District includes the territory within:

(1) Dallas County; and

(2) the Carrollton-Farmers Branch Independent School District.

Sec. 130.177. DEL MAR COLLEGE-CORPUS CHRISTI JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Del Mar College-Corpus Christi Junior College District includes the territory within:

(1) the Corpus Christi, West Oso, Calallen, Tuloso-Midway, and Flour Bluff independent school districts, and any area located outside of those school districts that is within the municipality of Corpus Christi;

(2) Nueces, San Patricio, Aransas, and Kenedy counties; and

(3) the Riviera Independent School District.

Sec. 130.178. EL PASO COUNTY COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the El Paso County Community College District includes the territory within El Paso and Hudspeth counties.

Sec. 130.179. GALVESTON COLLEGE DISTRICT SERVICE AREA. The service area of the Galveston College District includes:

(1) the territory within the Galveston Independent School District;

(2) the part of Galveston and Chambers counties located on the Bolivar Peninsula, including the municipality of High Island and the High Island Independent School District; and

(3) the territory within the Sabine Pass and Hamshire-Fannett independent school districts in Jefferson County.

Sec. 130.180. GRAYSON COUNTY JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Grayson County Junior College District includes the territory within:

(1) Grayson County; and

(2) the Bonham, Dodd City, Wolfe City, Ector, Leonard, Savoy, Trenton, Whitewright, and Sam Rayburn independent school districts located in Fannin County.

Sec. 130.181. HILL COLLEGE DISTRICT SERVICE AREA. The service area of the Hill College District includes the territory within:

(1) the Hillsboro, Itasca, Covington, Whitney, Abbott, and Bynum independent school districts; and

(2) Hill, Johnson, Bosque, and Somervell counties.

Sec. 130.182. HOUSTON COMMUNITY COLLEGE SYSTEM DISTRICT SERVICE AREA. The service area of the Houston Community College System District includes the territory within:

(1) the Houston, Alief, Katy, Spring Branch, and North Forest independent school districts; and

(2) the Stafford Municipal School District.

Sec. 130.183. HOWARD COUNTY JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Howard County Junior College District includes the territory within Howard, Dawson, Martin, Glasscock, Sterling, Coke, Tom Green, Concho, Irion, Schleicher, Sutton, Menard, and Kimble counties.

Sec. 130.184. KILGORE JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Kilgore Junior College District includes the territory within:

(1) the Kilgore, West Rusk, Overton, Leverett's Chapel, White Oak, Sabine, Gladewater, Big Sandy, Union Grove, Gilmer, New Diana, Spring Hill, Pine Tree, Longview, Hallsville, Henderson, Carlisle, Laneville, and Mount Enterprise independent school districts; and

(2) the Tatum Independent School District, except the part of the district that is located in Panola County.

Sec. 130.185. LAREDO COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Laredo Community College District includes the territory within:

(1) the municipality of Laredo; and

(2) Webb, Jim Hogg, and Zapata counties.

Sec. 130.186. LEE COLLEGE DISTRICT SERVICE AREA. The service area of the Lee College District includes the territory within:

(1) the Goose Creek Consolidated Independent School District; and

(2) the Crosby, Dayton, Liberty, Barbers Hill, Anahuac, Huffman, Devers, East Chambers, Hardin, and Hull-Daisetta independent school districts.

Sec. 130.187. MCLENNAN COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the McLennan Community College District includes the territory within:

(1) McLennan and Falls counties; and

(2) the Calvert and Bremond independent school districts.

Sec. 130.188. MIDLAND COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Midland Community College District includes the territory within:

(1) Midland County, except the territory within the Greenwood Community;

(2) Reagan and Crockett counties; and

(3) the municipality of Iraan.

Sec. 130.189. NAVARRO COLLEGE DISTRICT SERVICE AREA. The service area of the Navarro College District includes the territory within Navarro, Ellis, Freestone, Limestone, and Leon counties.

Sec. 130.190. NORTH CENTRAL TEXAS COLLEGE DISTRICT SERVICE AREA. The service area of the North Central Texas College District includes the territory within:

(1) Cooke and Montague counties; and

(2) Denton County, except the territory within The Colony, the municipality of Frisco, and the Celina, Prosper, and Carrollton-Farmers Branch independent school districts.

Sec. 130.191. NORTH HARRIS MONTGOMERY COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the North Harris Montgomery Community College District includes the territory within:

(1) the Aldine, Conroe, Humble, New Caney, Spring, Tomball, Magnolia, Willis, Montgomery, Splendora, Cleveland, Tarkington, and Klein independent school districts; and

(2) the Huntsville and New Waverly independent school districts in Walker County.

Sec. 130.192. NORTHEAST TEXAS COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Northeast Texas Community College District includes the territory within:

(1) Camp, Morris, and Titus counties;

(2) the Avinger and Hughes Springs independent school districts, located in Cass County;

(3) the Mount Vernon Independent School District, located in Franklin County;

(4) the Como-Pickton and Saltillo independent school districts, located in Hopkins County;

(5) the Ore City, Union Hill, and Harmony independent school districts;

(6) the Winnsboro Independent School District;

(7) the part of the Pewitt Independent School District that is located in Cass County; and

(8) the part of the Pittsburg Independent School District that is located in Upshur County.

Sec. 130.193. ODESSA COLLEGE DISTRICT SERVICE AREA. The service area of the Odessa College District includes the territory within:

(1) Ector, Brewster, Andrews, Crane, Jeff Davis, Ward, Winkler, Presidio, Upton, Reeves, Culberson, Loving, and Terrell counties;

(2) Pecos County, except the municipality of Iraan; and

(3) the Seminole Independent School District in Gaines County.

Sec. 130.194. PANOLA COLLEGE DISTRICT SERVICE AREA. The service area of the Panola College District includes the territory within:

(1) Panola, Marion, and Shelby counties; and

(2) Harrison County, except the territory within the Hallsville Independent School District.

Sec. 130.195. PARIS JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Paris Junior College District includes the territory within:

- (1) the Paris Independent School District;
- (2) the part of the Prairiland Independent School District that was formerly the Cunningham School District;
- (3) the municipality of Paris;
- (4) Lamar and Delta counties;
- (5) the Detroit and Clarksville independent school districts and the Talco-Bogata Consolidated Independent School District that is in Red River County;
- (6) the North Hopkins, Sulphur Bluff, Sulphur Springs, Miller Grove, and Cumby independent school districts in Hopkins County;
- (7) the Honey Grove Consolidated Independent School District in Fannin County;
- (8) the Fannindel Independent School District, located in Fannin and Delta counties;
- (9) Hunt County, except the part of the county that is located in the Terrell Independent School District; and
- (10) the part of the Prairiland Independent School District that is located in Red River County.

Sec. 130.196. RANGER JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Ranger Junior College District includes the territory within:

- (1) the part of the Ranger Independent School District that is located in Eastland County, except the area that is known as the old Bullock School Land; and
- (2) Young, Comanche, Brown, and Erath counties.

Sec. 130.197. SAN JACINTO COLLEGE DISTRICT SERVICE AREA. The service area of the San Jacinto College District includes the territory within:

- (1) the Pasadena, La Porte, Deer Park, Channelview, Galena Park, and Sheldon independent school districts; and
- (2) the part of the Clear Creek Independent School District that is located in Harris County.

Sec. 130.198. SOUTH PLAINS JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the South Plains Junior College District includes the territory within:

- (1) the Whiteface Consolidated Independent School District;
- (2) Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, and Garza counties; and
- (3) Gaines County, except the territory within the Seminole Independent School District.

Sec. 130.199. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the South Texas Community College District includes the territory within Hidalgo and Starr counties.

Sec. 130.200. SOUTHWEST TEXAS JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Southwest Texas Junior College

District includes the territory within Zavala, Uvalde, Real, Dimmit, Frio, Kinney, La Salle, Maverick, Medina, Val Verde, and Edwards counties.

Sec. 130.201. TARRANT COUNTY JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Tarrant County Junior College District includes the territory within Tarrant County.

Sec. 130.202. TEMPLE JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Temple Junior College District includes the territory within:

- (1) the Temple Independent School District;
- (2) the municipality of Temple;
- (3) the Academy, Bartlett, Belton, Holland, Rogers, Troy, and Salado independent school districts located in Bell County;
- (4) the Buckholts, Cameron, and Thorndale independent school districts located in Milam County;
- (5) the Granger and Taylor independent school districts located in Williamson County;
- (6) the part of the Rosebud Lott Independent School District that is located in Milam County; and
- (7) the part of the Bartlett Independent School District that is located in Milam County.

Sec. 130.203. TEXARKANA COLLEGE DISTRICT SERVICE AREA. The service area of the Texarkana College District includes the territory within:

- (1) the taxing district, which includes part of the municipality of Texarkana and part of the Pleasant Grove Independent School District;
- (2) Bowie County;
- (3) Cass County, except the territory within the Hughes Springs, Avinger, and Pewitt independent school districts; and
- (4) the Avery Independent School District located in Red River County.

Sec. 130.204. TEXAS SOUTHMOST COLLEGE DISTRICT SERVICE AREA. The service area of the Texas Southmost College District includes the territory within:

- (1) the Brownsville, Los Fresnos Consolidated, and Point Isabel independent school districts; and
- (2) Cameron and Willacy counties.

Sec. 130.205. TRINITY VALLEY COMMUNITY COLLEGE DISTRICT SERVICE AREA. The service area of the Trinity Valley Community College District includes the territory within:

- (1) the part of the Terrell Independent School District located in Hunt County;
- (2) Anderson, Henderson, Kaufman, and Rains counties; and
- (3) Van Zandt County, except the territory within the Grand Saline, Lindale, and Van independent school districts.

Sec. 130.206. TYLER JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Tyler Junior College District includes the territory within:

(1) the Chapel Hill, Grand Saline, Lindale, Tyler, Yantis, Winona, Alba-Golden, Arp, Bullard, Hawkins, Jacksonville, Mineola, New Summerfield, Quitman, Rusk, Troup, and Whitehouse independent school districts; and

(2) the Van Independent School District, except the part of the district that is located in Henderson County.

Sec. 130.207. VERNON REGIONAL JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Vernon Regional Junior College District includes the territory within Wilbarger, Archer, Baylor, Clay, Cottle, Foard, Hardeman, Haskell, King, Knox, Throckmorton, and Wichita counties.

Sec. 130.208. VICTORIA COLLEGE DISTRICT SERVICE AREA. The service area of the Victoria College District includes the territory within:

(1) Victoria, Gonzales, Lavaca, DeWitt, and Calhoun counties;

(2) Jackson County, except the territory within the Ganado Independent School District; and

(3) Refugio County, except the territory within the Woodsboro Independent School District.

Sec. 130.209. WEATHERFORD COLLEGE DISTRICT SERVICE AREA. The service area of the Weatherford College District includes the territory within Parker, Wise, Jack, and Palo Pinto counties.

Sec. 130.210. WESTERN TEXAS COLLEGE DISTRICT SERVICE AREA. The service area of the Western Texas College District includes the territory within Scurry, Fisher, Jones, Nolan, Runnels, Dickens, Stonewall, Borden, Mitchell, and Kent counties.

Sec. 130.211. WHARTON COUNTY JUNIOR COLLEGE DISTRICT SERVICE AREA. The service area of the Wharton County Junior College District includes the territory within:

(1) Wharton County;

(2) the Needville Independent School District in Fort Bend County;

(3) the Wallis-Orchard Independent School District located in Austin County;

(4) the Columbus and Weimer independent school districts located in Colorado County;

(5) the Rice Consolidated Independent School District located in Colorado County;

(6) the Kendleton and Lamar independent school districts located in Fort Bend County;

(7) the Bay City, Boling, Matagorda, Palacios, Tidehaven, and Van Vleck independent school districts located in Matagorda County; and

(8) the Ganado Independent School District located in Jackson County.

SECTION 2. This Act takes effect September 1, 1995.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be

read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 397 by inserting the following appropriately numbered section:

SECTION ____ . Section 130.004, Education Code, is amended by adding Subsection (e) as follows:

(e) The establishment of any new public junior college campus within an existing junior college district or the establishment of any new junior college district shall be approved by the legislative budget board if the establishment occurs during a time when the legislature is not in session. The legislature shall approve the establishment of any new public junior college campus within an existing junior college district or the establishment of any new junior college district if proposed within three months prior to, or during, a legislative session.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 397 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 397 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1178 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1178, Relating to authorizing municipalities to use the competitive sealed proposal procedure for certain purchases.

The bill was read second time.

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H.B. 1178 as follows:

In SECTION 1, Sec. 252.021, delete Subsection (b) and insert the following:

"(b) Before a municipality with a population of less than 400,000 may enter into a contract for insurance that requires an expenditure of more than \$5,000 from one or more municipal funds, the municipality must comply with the procedure prescribed by this chapter for competitive sealed bidding.

(c) A municipality may use the competitive sealed proposal procedure only for high technology procurements or in a municipality with a population in excess of 400,000 the purchase of insurance."

The committee amendment was read.

Senator Shapiro offered the following amendment to Committee Amendment No. 1:

Floor Amendment No. 1

Amend Committee Amendment No. 1 to **H.B. 1178** as follows:

In SECTION 1, proposed Section 252.021(b) and (c), Local Government Code, strike "400,000" and insert "100,000".

The amendment to Committee Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Committee Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1178 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1178** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 248 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 248, Relating to the seizure and disposition of certain property under the Parks and Wildlife Code.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 248 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 248** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 346, Relating to funds used to compensate victims of crime.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate representatives from the Nueces County Sheriff Department's DARE program.

The Senate welcomed its guests.

(Senator Whitmire in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 741 ON SECOND READING**

On motion of Senator Brown, on behalf of Senator Sims, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 741, Relating to the authority of the Texas Natural Resource Conservation Commission to delegate certain uncontested matters for decision to the executive director of the commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 741 ON THIRD READING**

Senator Brown, on behalf of Senator Sims, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 741** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

SENATE BILL 206 ON THIRD READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 206, Relating to fees and expenses for the services of a peace officer.

The bill was read third time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 206** as follows:

On page 1, line 24, of the committee report, after "subsection", insert "to the extent such expenses meet the requirements of Sec. 611.001, Government Code".

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

The bill as amended was finally passed by a viva voce vote.

(Senator Harris in Chair)

SENATE BILL 886 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 886, Relating to the retrial of a case in a justice or municipal court after a mistrial has been declared.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 886 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 886** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1147 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1147, Relating to litter abatement of self-generated litter.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1147** as follows:

(1) Between "litter" and "or", insert a closing quotation mark in Subdivision (10) of SECTION 1 of the bill (committee printing page 1, line 6).

(2) Between "or" and "self-generated", insert an opening quotation mark in Subdivision (10) of SECTION 1 of the bill (committee printing page 1, line 6).

(3) Strike "365.0012" and substitute "365.012" in SECTION 2 of the bill (committee printing page 1, line 9).

(4) Strike "commercial" in Subsection (j) of SECTION 2 of the bill (committee printing page 1, line 13).

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1147 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1147** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Armbrister in Chair)

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate a group of students from San Jacinto College South.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE

SENATE BILL 1106 ON SECOND READING

Senator Brown, on behalf of Senator Sims, asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1106, Relating to the management of wildlife resources; providing a penalty.

There was objection.

Senator Brown, on behalf of Senator Sims, then moved to suspend the regular order of business and take up **C.S.S.B. 1106** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Lucio, Madla, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Whitmire.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Rosson, Truan, West, Zaffirini.

Absent: Henderson, Leedom, Wentworth.

The bill was read second time.

Senator Brown, on behalf of Senator Sims, offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1106, committee printing, by striking SECTION 5 of the bill, page 1, lines 53-68, and substituting the following:

SECTION 5. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. PERMITS TO KILL PROTECTED CARNIVOROUS MAMMALS

Sec. 43.601. APPLICATION FOR PERMIT. (a) The owner or a person in control of a tract of land may file with the department an application for a permit to validate the killing of a carnivorous mammal listed with the secretary of state under Section 68.003 that was a threat to livestock on that land and that was killed on that land without a permit in violation of this code.

(b) The application must be submitted in writing not later than 24 hours after the mammal is killed.

(c) The application must:

(1) contain an affidavit by a person with knowledge that the killed mammal killed or injured or attempted to kill or injure livestock on the land owned or in control of the person applying for the permit; and

(2) identify the location of the carcass of the mammal.

Sec. 43.602. PERMIT. After the department receives a permit application that meets the requirements of Section 43.601, the department shall issue a permit validating the killing of the carnivorous mammal described in the affidavit submitted with the application.

Sec. 43.603. DISPOSITION OF CARCASS. The department shall determine the disposition of the carcass of a mammal for which a permit is issued under this subchapter.

The amendment was read and was adopted by a viva voce vote.

VOTE RECONSIDERED

On motion of Senator Brown, on behalf of Senator Sims, and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question—Shall Floor Amendment No. 1 to C.S.S.B. 1106 be adopted?

On motion of Senator Brown, on behalf of Senator Sims, and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Question—Shall C.S.S.B. 1106 be passed to engrossment?

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1106, committee printing, by striking SECTION 5 of the bill, page 1, lines 53-68, and substituting the following:

SECTION 5. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter R to read as follows:

**SUBCHAPTER R. PERMITS TO KILL PROTECTED
CARNIVOROUS MAMMALS**

Sec. 43.601. APPLICATION FOR PERMIT. (a) The owner or a person in control of a tract of land shall file with the department an application for a permit to validate the killing of a carnivorous mammal listed with the secretary of state under Section 68.003 that was a threat to livestock on that land and that was killed on that land without a permit in violation of this code.

(b) The application must be submitted in writing not later than 24 hours after the mammal is killed.

(c) The application must:

(1) contain an affidavit by a person with knowledge that the killed mammal killed or injured or attempted to kill or injure livestock on the land owned or in control of the person applying for the permit; and

(2) identify the location of the carcass of the mammal.

Sec. 43.602. PERMIT. After the department receives a permit application that meets the requirements of Section 43.601, the department shall issue a permit validating the killing of the carnivorous mammal described in the affidavit submitted with the application.

Sec. 43.603. DISPOSITION OF CARCASS. The department shall determine the disposition of the carcass of a mammal for which a permit is issued under this subchapter.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by the following vote:
Yeas 20, Nays 9.

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Lucio, Madla, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Rosson, Truan, West, Zaffirini.

Absent: Henderson, Leedom.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate former Secretary of State Jack Rains.

The Senate welcomed its guest.

MESSAGE FROM THE HOUSE

House Chamber
April 20, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 864, Relating to participation in and benefits and administration of retirement systems for police officers in certain municipalities.

S.B. 1172, Relating to the exclusion of certain nonirrigated property from certain water districts.

S.B. 314, Relating to the determination of market price of natural gas.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

HOUSE BILL 1324 REREFERRED

On motion of Senator Gallegos and by unanimous consent, **H.B. 1324** was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on Economic Development.

SENATE BILL 830 REREFERRED

On motion of Senator Luna and by unanimous consent, **S.B. 830** was withdrawn from the Committee on Education and was rereferred to the Committee on Finance.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider **S.B. 442** today.

MEMORIAL RESOLUTIONS

S.R. 748 - By Turner: In memory of Burton S. Sneed of Kerens.

S.R. 754 - By Sims: In memory of John C. "Buddy" Barron, Jr., of San Angelo.

S.R. 757 - By Truan: In memory of Jose "Joe" Garza of San Antonio.

H.C.R. 99 (Whitmire): In memory of John Wesley Peavy, Sr., of Houston.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 743 - By Ellis: Commending the organizers and sponsors in Houston of the African Americans and Heritage Preservation workshop.

S.R. 744 - By Ellis: Welcoming Dr. Theophile Obenga of the Congo on his visit to Texas.

S.R. 745 - By Turner: Congratulating Steve Jarrard on receiving the Outstanding Volunteer award from the Cameron Area Chamber of Commerce.

S.R. 746 - By Turner: Congratulating Sylvia Schattle on receiving the Outstanding Member award from the Cameron Area Chamber of Commerce.

S.R. 747 - By Turner: Congratulating Mr. and Mrs. Cullen Rogers of Marlin on their 50th wedding anniversary.

S.R. 749 - By Whitmire: Commending Frank Henry for his participation in Project Re-Enterprise.

S.R. 750 - By Sims: Congratulating Jan Lemons on receiving the 1994 Citizen of the Year Award from the Colorado City Chamber of Commerce.

S.R. 751 - By Sims: Congratulating the San Angelo facility of Levi Strauss and Company on its 30th anniversary.

S.R. 752 - By Sims: Congratulating Evelyn Gould of Llano on being named Airport Manager of the Year for 1995.

S.R. 753 - By Sims: Congratulating John Alvin Hay III of San Angelo on achieving the rank of Eagle Scout.

S.R. 755 - By Gallegos: Congratulating James E. Brooks on being awarded a Lifetime Membership in the Galena Park Chamber of Commerce.

S.R. 756 - By Gallegos: Congratulating Olga L. Cantu on her graduation from San Jacinto College.

S.R. 758 - By Henderson: Commending Amanda Bentley of Houston for her participation in the Texas Capitol Rededication Parade.

H.C.R. 146 (Bivins): Congratulating John Q. and Martha M. Holt on their 50th wedding anniversary.

H.C.R. 167 (Bivins): Congratulating the Three Way Independent School District on the 50th anniversary of its founding.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:24 p.m. adjourned, in memory of the victims of the Oklahoma City tragedy, until 9:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 19, 1995

HEALTH AND HUMAN SERVICES — C.S.S.B. 1302, S.B. 545, S.B. 658, S.B. 1161, S.B. 1059, S.B. 1162 (Amended), C.S.S.B. 269, C.S.S.B. 1301, C.S.S.B. 657, C.S.S.B. 659, C.S.S.B. 760, C.S.S.B. 434, C.S.S.B. 1291

April 20, 1995

NATURAL RESOURCES — C.S.S.B. 1601

ADMINISTRATION — S.C.R. 92, S.C.R. 53, S.C.R. 52, S.C.R. 93

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 631

HEALTH AND HUMAN SERVICES — C.S.S.B. 406

FINANCE — S.B. 625, S.B. 1654, S.J.R. 36, S.J.R. 51, S.B. 1260 (Amended), S.B. 1604 (Amended)

NATURAL RESOURCES — H.B. 722, H.B. 1318, S.B. 1375 (Amended), C.S.S.B. 1317, C.S.S.B. 1591

ECONOMIC DEVELOPMENT — S.B. 1617 (Amended), C.S.S.B. 553, C.S.S.B. 598, C.S.S.B. 1185, C.S.S.B. 597, C.S.S.B. 827

CRIMINAL JUSTICE — C.S.H.B. 327

NATURAL RESOURCES — C.S.S.B. 372

SIGNED BY GOVERNOR

(April 20, 1995)

S.B. 25 (Effective September 1, 1995)

H.B. 655 (Effective immediately)

H.B. 1527 (Effective immediately)

FIFTY-FIFTH DAY

(Friday, April 21, 1995)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Cain, Sims, Truan.

A quorum was announced present.